

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARIA LEWIS,

Plaintiff,

No. 6:15-cv-00953-SB

v.

ORDER

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Stacie F. Beckerman issued a Findings & Recommendation [28] on June 29, 2016, recommending that the district judge reverse and remand this case for an award of benefits. Defendant has timely filed objections [40] to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Defendant's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find that Judge Beckerman erred in stating the Plaintiff received personal assistance sixty-seven hours per week. In fact, the record indicated that Plaintiff received sixty-seven hours of care per month. Notwithstanding that error, the Court nonetheless adopts the conclusions contained within the Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings & Recommendation [28]. The Court ORDERS that the decision of the Commissioner be reversed and remanded for an award of benefits pursuant to Sentence Four of 42 U.S.C. § 405(g) and this case is DISMISSED.

IT IS SO ORDERED.

DATED this 2 day of November 2016.


MARCO A. HERNÁNDEZ
United States District Judge